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**THIRD LEGISLATIVE DAY
WEDNESDAY, JANUARY 11, 2006**

Senate Chamber

President Risch called the Senate to order at 11:30 a.m.

Roll call showed all members present except Senators Goedde and Richardson, absent and formally excused by the Chair; and Senators Cameron and Stennett, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Brady Anderson, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of January 10, 2006, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

January 11, 2006

The JUDICIARY AND RULES Committee reports that **S 1241** has been correctly printed.

DARRINGTON, Chairman

S 1241 was referred to the Education Committee.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

Introduction, First Reading and Reference of Bills, House Petitions, Resolutions, and Memorials

Senators Cameron and Stennett were recorded present at this order of business.

S 1242 BY BRANDT AN ACT

RELATING TO EMINENT DOMAIN; AMENDING SECTION 7-704, IDAHO CODE, TO PROVIDE ADDITIONAL FACTS PREREQUISITE TO A TAKING.

S 1243 BY BRANDT AN ACT

RELATING TO EMINENT DOMAIN; AMENDING SECTION 7-707, IDAHO CODE, TO REQUIRE THAT A COMPLAINT SHALL CONTAIN AN ORDER OF CONDEMNATION, OR RESOLUTION, OR OTHER OFFICIAL AND BINDING DOCUMENT ENTERED BY THE PLAINTIFF WHICH SETS FORTH AND CLEARLY IDENTIFIES ALL PROPERTY RIGHTS TO BE ACQUIRED INCLUDING RIGHTS TO AND FROM THE PUBLIC WAY, AND PERMANENT AND TEMPORARY EASEMENTS AND TO MAKE A TECHNICAL CORRECTION; AND AMENDING SECTION 40-506, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE AND TO MAKE A TECHNICAL CORRECTION.

S 1244 BY BRANDT AN ACT

RELATING TO EMINENT DOMAIN; AMENDING CHAPTER 7, TITLE 7, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 7-701A, IDAHO CODE, TO SPECIFY USES NOT AUTHORIZED.

S 1245 BY BRANDT AN ACT

RELATING TO EMINENT DOMAIN; AMENDING SECTION 7-711, IDAHO CODE, TO PROVIDE AN ALTERNATE METHOD FOR ESTABLISHING THE MINIMUM AMOUNT FOR DAMAGES WHEN ASCERTAINING THE VALUE OF THE PROPERTY.

S 1246 BY BRANDT AN ACT

RELATING TO RELOCATION ASSISTANCE AND EMINENT DOMAIN; AMENDING CHAPTER 7, TITLE 7, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 7-722, IDAHO CODE, TO PROVIDE LIMITATION ON COMPENSABLE DAMAGES, RELOCATION ASSISTANCE AND APPLICATION OF CHAPTER 20, TITLE 40, IDAHO CODE, TO ALL CONDEMNERS; AND AMENDING SECTION 40-102, IDAHO CODE, TO REVISE THE DEFINITION OF "AGENCY" AND TO MAKE TECHNICAL CORRECTIONS.

S 1247 BY BRANDT AN ACT

RELATING TO EMINENT DOMAIN; AMENDING SECTION 7-721, IDAHO CODE, TO REMOVE LANGUAGE REFERENCING THE STATE AND POLITICAL SUBDIVISIONS OF THE STATE, TO REMOVE LANGUAGE REFERENCING THE PURPOSES OF ACQUISITION OF REAL PROPERTY AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY.

S 1248 BY BRANDT AN ACT

RELATING TO COSTS IN EMINENT DOMAIN PROCEEDINGS; AMENDING SECTION 7-711A, IDAHO

CODE, TO DELETE THE PROVISION FOR DISCRETIONARY AWARD OF COSTS AND FEES AND TO PROVIDE THAT THE COURT SHALL DETERMINE WHAT COSTS AND FEES ARE REASONABLE TO AWARD; AMENDING SECTION 7-718, IDAHO CODE, TO PROVIDE FOR THE AWARD OF REASONABLE COSTS AND ATTORNEY'S FEES TO THE DEFENDANT IN EMINENT DOMAIN ACTIONS IF IT IS DETERMINED THE AMOUNT OF JUST COMPENSATION EXCEEDS THE CONDEMNOR'S LAST PRELITIGATION OFFER BY TEN PERCENT OR MORE.

S 1249
BY BRANDT
AN ACT

RELATING TO EMINENT DOMAIN; AMENDING CHAPTER 7, TITLE 7, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 7-707A, IDAHO CODE, TO PROVIDE FULL AND COMPLETE DISCLOSURE BY THE CONDEMNING AUTHORITY TO THE DEFENDANTS REGARDING THE AMOUNT OF JUST COMPENSATION TO WHICH THE CONDEMNING AUTHORITY CLAIMS THE DEFENDANTS ARE ENTITLED.

S 1242, S 1243, S 1244, S 1245, S 1246, S 1247, S 1248, and S 1249 were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 11:45 a.m. until the hour of 11:30 a.m., Thursday, January 12, 2006.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary